

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

AUG - 6 2019

Clerk, U S District Court  
District Of Montana  
Billings

ROBERT A. EATON,

Plaintiff,

vs.

MONTANA SILVERSMITHS,

Defendant.

CV 18-65-BLG-SPW-TJC

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on July 12, 2019. (Doc. 28.) The Magistrate recommended the Court deny Montana Silversmith's Motion to Dismiss (Doc. 16) as to Counts 1 and 2 and grant it as to Counts 3, 4, 5, and 6. (Doc. 28 at 21.)

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d


422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 28) are ADOPTED IN FULL.

IT IS FURTHER ORDERED:

1. Defendant's Motion to Dismiss (Doc. 16) is GRANTED as to Counts 3 to 6 and DENIED as to Counts 1 and 2 of Plaintiff's Second Amended Complaint (Doc. 12).
2. Counts 3 to 6 of Plaintiff's Second Amended Complaint (Doc. 12) are DISMISSED with prejudice.
3. Plaintiff is granted leave to amend his complaint until August 26, 2019.

DATED this 6<sup>th</sup> day of August, 2019.

  
SUSAN P. WATTERS  
United States District Judge